

HOUSE BILL 2789

By McDonald

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 39 and Title 49, relative to student discipline.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3401(a)(9), is amended by deleting the words "principal or teacher" and by substituting instead "principal, teacher, school bus driver or other school personnel".

SECTION 2. Tennessee Code Annotated, Section 49-6-4013, is amended by deleting the words "conduct in classes" and by substituting instead the words "conduct in classes and on school buses".

SECTION 3. Tennessee Code Annotated, Section 49-6-4102, is amended by adding the following sentence at the end of the section:

Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity. A school bus driver shall report student misconduct on a school bus to the principal or the principal's designee as soon as practicable and, if the misconduct occurred while returning home from school or during an after school activity, no later than the first school day after the misconduct occurred.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 41, is amended by adding the following language as a new section:

49-6-4107.

(a) A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the

circumstances to correct or restrain a student or prevent bodily harm or death to another person.

(b) Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.

(c) Subsection (a) does not authorize restraint or isolation of students for whom restraint or isolation is prohibited under chapter 10, part 13 of this title.

SECTION 5. Tennessee Code Annotated, Section 49-6-4016, is amended by designating the existing language as subsection (a) and by adding the following language as new subsection (b):

(b) It is a defense against a civil action for damages under this section that a teacher, principal, school employee or school bus driver in the exercise of the person's lawful authority used reasonable force under § 49-6-4107 that was necessary to restrain the student or to prevent bodily harm or death to another person.

SECTION 6. Tennessee Code Annotated, Section 49-6-4013, is amended by designating the existing language as subsection (a) and by adding the following language as new subsection (b):

(b) Each code shall state that a teacher, principal, school employee or school bus driver may use reasonable force in compliance with § 49-6-4107.

SECTION 7. This act shall take effect July 1, 2012, the public welfare requiring it.